

PILAR VAILE, JD

E-mail: pilar@pilarvaileadr.com

Present Occupation: Labor Arbitrator and NAA Member – *currently providing both in-person and video hearings, as appropriate and/or agreed.*

Primary Business Address

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pilar@pilarvaileadr.com

PROFESSIONAL LICENSES & AFFILIATIONS:

National Academy of Arbitrators (NAA)

National Association of Hearing Examiners (NAHO) – Certified ALJ

Labor and Employment Relations Association (LERA)

California State Bar (2004) (inactive)

New Mexico State Bar (2000) (inactive)

EDUCATION & TRAINING:

NAA, FMCS, LERA, OR ERB, and NAHO training on Video-Hearings (4/20 – 1/21)

FMCS, AAA and NAA Arbitrator Training (2011-present)

National Judicial College (NJC) – Judic. Development Certificates in Admin. Law and Dispute Resolution

J.D. with Thesis Honors, University of New Mexico School of Law (UNM)

B.A. *magna cum laude*, UNM

Ovey Comeaux High School, Lafayette, Louisiana

LABOR RELATIONS EXPERIENCE:

2010 to Present: Pilar Vaile, Arbitrator, Mediator and ALJ. Serves as labor and employment arbitrator, mediator and hearing examiner for various state and national panels; competent and available to hear matters either in-person or by video, as required under the circumstances and/or agreed.

2004-2010: New Mexico Public Employee Labor Relations Board, Board Member, and later Deputy Director and Hearing Examiner; heard and decided unfair practice complaints and petitions concerning representation.

2000- 2004: Youngdahl & Sadin, P.C. and successors in interest (including Youngdahl & Youtz); a plaintiff class action and labor/employment firm.

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INDUSTRIES:

Air Force, Army, DOD; Customs & Border Patrol; Bureau of Prisons; clerical; communications; construction/building trades; custodial trades; education—public and charter, primary and secondary, college and university; engineering trades—mechanical, electrical, chemical; food service; government sector—Federal, State, Municipal and County; health care/hospitals—VA and private sector; IRS; manufacturing; mining; oil/gas/petrochemical; Postal Service; prison/corrections; professional/paraprofessional personnel; public safety—police, fire and juvenile justice; transportation; VA.

ISSUES:

ADA and ADAA; Arbitrability; Back Pay Act; bargaining unit work; benefits (leave, insurance and pension); clothing/uniforms; conduct (off-duty/personal); conditions of employment; credibility determinations; demotion; disability; discipline (discharge and non-discharge); discrimination (age, disability, race, nationality and gender); FLRA; hiring practices; interest or impasse arbitration; job posting, bidding and classification; jurisdiction disputes; management rights; MSPB; NLRA; official time; OSHA; pay (base, holiday, incentive/differential, overtime); past practices; performance appraisals; probationary status; promotion; Rehabilitation Act; public sector taxation and budgeting; representation petitions; retirement, DC and DB plans; safety/health conditions; scheduling; seniority; subcontracting/contracting out; ULPs; violence or threats in the workplace; vocational rehabilitation; and vulnerable populations.

ARBITRATION/NEUTRAL ROSTERS:

CURRENT -

American Arbitration Association (AAA)
Federal Mediation and Conciliation Service (FMCS)
National Mediation Board (NMB)
California Public Employment Relations Board
California State Mediation and Conciliation Service
D.C. Public Employee Relations Board
Denver City and County Arbitration Panel for Police and Sheriffs
Illinois Educational Labor Relations Board
Michigan Employee Relations Commission
Montana Board of Personnel Appeals
Oregon Employment Relations Board
Washington Public Employment Relations Commission
Kirtland AFB and AFGE 214 Panel of Arbitrators
UFCW 1564 and Smith's & Albertson's Permanent Arbitrator Panels
Freeport McMoRan (AAA Priv. Employment Panel)

PAST PANELS/ROSTERS -

USPS/APWU, for the Colorado Wyoming, Mid-Americas and Seattle Districts
USPS/NPMHU for the New Mexico/Arizona, and Nevada/Sierras Districts
IRS/National Treasury Employees Union

PUBLISHED AWARD(S)

IRS and NTEU, 114 LRP 41403 (Arb. Vaile, 2014), *aff'd* 115 LRP 41010 (FLRA).
Additional cases are published privately with Party permissions, and available at
<https://www.pilarvaileadr.com/>.

PROFESSIONAL ACTIVITIES

Labor and Employment Relations Association (LERA), Member
National Academy of Arbitrators

- Videoconferencing Task Force (VTF), current
- Host Committee, 2019
- Program Committee, 2020/2021

Southwest Rockies Region of the NAA

- Vice Chair, current
- Program Committee, 2019 Conference
- Trainer/presenter, 2018 and 2019 Conferences
- Heavily involved in diversity, outreach and training of newer arbitrators in the SWR Region and throughout the U.S. as identified

MILITARY EXPERIENCE

Army, Active Duty 1987-1990 (Spec. E-5, MOS Legal Spec.)
Louisiana National Guard, 1990-1993 (Sgt. E-5, MOS Legal Spec. and Personnel Spec.)

FEES:

Per Diem: \$1,500.00 **Cancellation Fee:** (See below)

Arbitration, Fact-finding and Mediation: A \$1,500 per diem fee is charged per 8-hour day for hearing, mediation, study, and writing days, with fee pro-rated at \$187.5/hour for study and writing time, and for portions of a hearing or mediation day that exceed 8 hours.

Cancellation Fees and Policy & Interim Billing: A basic per diem fee may be assessed for each reserved hearing day cancelled or continued with less than thirty (30) days notice, along with any non-refundable travel fees already incurred. Arbitrator reserves the right to invoice for out-of-pocket expenses and interim per diem fees, prior to issuance of the award, in cases for which the record cannot be closed at the conclusion of the setting.

Travel Time & Expenses: Arbitrator charges a full per diem fee for any portion of a travel day of 4 or more hours, and a half per diem fee for any portion of a travel day less than 4 hours. Arbitrator charges actual cost of reasonable expenses; meals & mileage are invoiced at applicable GSA, IRS rates.